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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,937	12/10/2003	Peter Maurits Maria Van Geert	CM1976C	6673

27752 7590 10/11/2005

THE PROCTER & GAMBLE COMPANY
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EXAMINER	
MAYES, MELVIN C	
ART UNIT	**PAPER NUMBER**
1734	

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/731,937	VAN GEERT ET AL.	
	Examiner	Art Unit	
	Melvin Curtis Mayes	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

(1)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

(2)

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of WO 93/08084, Yamaguchi et al. 5,200,253, Saatweber et al. 5,453,301, Catena et al. 5,658,968 and Levine et al. 3,945,963.

The admitted prior discloses that a typical holographic film structure for packaging comprises an organic solvent based lacquer applied to a polyester film, the lacquer embossed, a metallic layer, typically aluminum, applied to the embossed lacquer, the polyester film laminated to other films and the structure printed (pg. 1-2). The admitted prior art does not disclose that the organic solvent based lacquer is acrylic based or disclose printing the metallic layer by first applying a water based primer of acrylic compounds then an organic solvent based ink of colored ink having ethanol as a solvent and white ink having ethyl acetate as a solvent.

WO 93/08084 teaches that in making packaging material with holographic pattern by embossing a thermoplastic layer formed on a plastic film substrate, the thermoplastic layer may comprise an acrylic which softens and can be embossed under light pressure and can applied as a solvent-based lacquer. WO 93/08084 further teaches that printing is applied to the aluminum film applied to the embossed thermoplastic layer and teaches that the printing is protected by a layer of varnish (pgs. 1-3).

Yamaguchi et al. teaches that for holographic sheet used for packaging and provided with a reflecting layer of aluminum, printing and protective varnish layer, a primer layer of lacquer is provided between the reflecting metal layer and the protective layer (varnish layer) to insure better adhesion therebetween. The ink layer (printing) may be provided on the surface of the primer layer (col. 18, lines 4-17).

Saatweber et al. teaches that for known reasons of environmental protection, it is becoming ever more important to substitute water-dilutable lacquers for lacquers diluted with organic solvents to reduce or eliminate pollution of the air by solvent emissions (col. 1, lines 15-20).

Catena et al. teach that solvent-borne flexible packaging printing inks are widely used to print a wide variety of substrates such as plastic films and aluminum foils because they offer economy, versatility, quality and simplicity. Catena et al. teach printers and packagers prefer water-borne primers and adhesives and teach that the ink should be formulated to have increased water-borne primer compatibility. Catena et al. teach that solvents for the printing ink can be selected from alkanols such as ethanol, acetates such as ethyl acetate or mixtures thereof (col. 1, lines 10-50, col. 2, lines 57-61, col. 3, lines 24-31).

Levine et al. teach that water-based epoxy acrylic coating composition can be used as primer (col. 1, lines 5-12).

It would have been obvious to one of ordinary skill in the art to have modified the method of the admitted prior art for making a holographic film structure for packaging by providing the organic solvent based lacquer on the polyester film as an acrylic lacquer, as taught by WO '084, as a solvent-based lacquer that can be applied to a plastic film substrate for

subsequent embossing to make packaging material having a holographic pattern, the thermoplastic acrylic enabling embossing under light pressure. The use of an organic solvent-based acrylic lacquer in the method of the admitted prior art would have been obvious to one of ordinary skill in the art, as taught by WO '084, as a lacquer applied to a substrate for embossing for making packaging material with holographic pattern.

It would have been obvious to one of ordinary skill in the art to have further modified the method of the admitted prior art for making packaging material with holographic film structure by applying printing and a protective varnish layer to the aluminum layer, as taught by WO '084, as applied to the aluminum film when making holographic packaging material. Providing a primer lacquer layer on the aluminum layer before applying the printing and protective varnish would have been obvious to one of ordinary skill in the art, as taught by Yamaguchi et al, to insure better adhesion between the aluminum layer and protective varnish of holographic sheeting used for packaging.

It would have been obvious to one of ordinary skill in the art to have further provided the primer lacquer layer of a water solvent-based lacquer primer, as taught by Saatweber et al., to reduce or eliminate pollution of the air by solvent emissions, and to have printed the primer with an organic solvent based packaging ink, as taught by Catena et al., as widely used to print a wide variety of substrates such as plastic films and aluminum foils because they offer economy, versatility, quality and simplicity. By applying a lacquer primer to the aluminum film for better adhesion of the protective varnish as suggested by Yamaguchi et al and by providing the lacquer primer as water-based as suggested by Saatweber et al., and as preferred by packagers as taught by Catena et al., and providing the printing of a solvent-based ink as suggested by Catena et al,

the references suggest making holographic packaging including the steps of applying a water solvent based primer and organic solvent based printing ink onto a metallic layer, as claimed.

It would have been obvious to one of ordinary skill in the art to have even further modified the method of the references as combined by providing the water-solvent based primer as an acrylic primer, as taught by Levine et al, as a composition that can be used as a primer.

It would have been obvious to one of ordinary skill in the art to have further modified the method of the admitted prior art by providing the white and colored solvent based inks for printing as each comprising ethanol and ethyl acetate, as Catena et al. teach that solvent for printing ink can be a mixture of an alkanol such as ethanol and an acetate such as ethyl acetate.

Response to Arguments

(3)

Applicant's arguments filed August 2, 2005 have been fully considered but they are not persuasive.

Applicant argues that Catena et al. '968 teaches away from using solvent –borne inks with water-borne primers and solves the problem using with a special ink while Applicants have discovered that water based primer comprising acrylic compounds can be used with solvent based inks as claimed. Applicant argues that the fact that the coatings of Levine et al. '963 are water-based would teach away from their use with solvent based inks.

(4)

Catena et al. '968 does not teach away from using solvent-borne inks with water-borne primers but instead teaches that this is preferable. While the reference does teach that there has

been a problem with adhesion between the solvent-borne ink and water-borne primer, the reference provides a solution to that problem by an improved printing ink having improved adhesive bond to water-borne primer. Thus it is not Applicant's who have discovered that water-borne primer can be used satisfactorily with solvent-borne inks. Acrylic primer and the particular solvents for the inks, as now claimed, are set forth by the present specification as preferred embodiment and are not set forth as required to solve to the problem of solvent from the ink reaching the embossed layer.

As taught by Catena et al. '968, the particular solvents are known as used for solvent-borne inks and as taught by Levine et al. water-based acrylic compound is known for use as primer. The Examiner maintains the position that the prior art of record as combined suggest the use of primer on the metal layer of holographic packaging and suggest the use of water-based acrylic primer with solvent-based ink, as claimed.

Conclusion

(5)

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

(6)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melvin Curtis Mayes
Primary Examiner
Art Unit 1734

MCM
October 6, 2005